

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JAMES LENEGAN</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 07-2063</b>
	:	
<b>DAVID DIGUGLIELMO, <u>et al.</u></b>	:	

**ORDER**

**AND NOW**, this 29TH day of May, 2009, upon consideration of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (docket no. 10) and Petitioner's Objections thereto (docket no. 12), and after de novo review of the pleadings and record in this case, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DENIED** and **DISMISSED**; and
3. Because there is no probable cause to issue a certificate of appealability, no certificate of appealability shall issue.

**BY THE COURT:**

S/ BRUCE W. KAUFFMAN  
**BRUCE W. KAUFFMAN, J.**